



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,135	11/14/2000	Pradeep Javangula	50269-0503	3533

29315 7590 04/21/2005

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
12010 SUNSET HILLS ROAD  
SUITE 900  
RESTON, VA 20190

EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/713,135

Applicant(s)

JAVANGULA ET AL.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-22, 24-36 and 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,512,919 to Ogasawara. Ogasawara discloses an electronic shopping system for processing electronic transactions, wherein input to initiate sequences cause the steps of receiving, at an intermediary (26, 210) disposed between and separate from a mobile device (18, 218) and a plurality of merchants (col. 3, lines 18-20), first order data for an order (col. 6, lines 58-59; col. 23, lines 1-30) and device identification data (col. 6, lines 25-31) from the mobile device, wherein the first order data identifies one or more products or services that a user associated with the mobile device desires to purchase from the plurality of merchants, yet includes less than a minimum set of data required by the merchant(s) to completely process the order and wherein the device identification data identifies the mobile device; retrieving, by the intermediary, based upon device identification data, at least one data item (col. 6, lines 62-64) that is not contained in the first order data, but that is required to completely process the order (col. 6, lines 12-16); generating, by the intermediary, based upon first order data and the one data item, second order data (col. 7, lines 13-15) that includes the minimum set of data required by

Art Unit: 3677

the merchant(s) to completely process the order; and providing the second order data to the merchant(s) for processing (col. 3, lines 34-42).

Referring to claims, 2-8, 10, 16-22, 24, 30-36 and 38, Ogasawara discloses further that the purchase transaction program requests a password synonymous with a personal identification number which is authenticated or verified (col. 7, lines 1-8). As cited above, customer identification data is retrieved from a database within the store or remote server. Order fulfillment or product information needed to fulfill an order is received by the user's mobile device along with pricing or billing information when coded information is sent to the server via the mobile device (col. 6, lines 46-57). Further, within a customer's information database (50), shipping information is stored (col. 9, lines 9-14).

Referring to claims 11, 13, 14, 25, 27, 28, 39, 41 and 42 Ogasawara discloses the communication link transmitting data from the user's mobile device is a radio signal or wireless medium (col. 11, lines 45-57). In a second embodiment, Ogasawara provides a PDA or videophone (218), which can be considered as a mobile device (col. 15, lines 63-67 and col. 16, lines 1-12).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of USPN 6,026,375 to Hall et al. Ogasawara discloses a shopping application program which facilitates the receiving and processing of product selections made by a user via a mobile device as discussed above, but Ogasawara fails to disclose a condition where the purchase transaction program cannot process an order, as a result, the second order data is provided to a second merchant for processing. Hall et al teaches a system for processing an order from a mobile customer (100), the system comprises a component for receiving an order from a customer's mobile device (105), where the order includes customer identifying information; another component (150) for identifying facilities (172, 174, 176) capable of completing the order; a component (360, 376) determining a desired time of completion of the order and which facility is capable of completing the order within a predetermined time as desired by the customer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the electronic shopping system of Ogasawara to include the order processing system as taught by Hall et al to provide an improved electronic shopping system providing order/transaction of product(s) through a plurality of networking merchants/transaction programs/sellers for the purpose of assuring availability and/or readiness

Art Unit: 3677

of an order/transaction as requested by a customer, where customer satisfaction is upheld and customer inconvenience is eliminated.

### **Response to Applicant's Arguments**

Applicant's arguments filed in the Amendment of January 18, 2005 have been fully considered but they are not persuasive.

In response to applicant's amendment to claims 1, 15, 29 and 43 and applicant's supporting arguments on pages 15 and 16 of the above amendment, the Examiner finds support within the disclosure of #6,512,919 to Ogasawara which substantiate the Examiner's broad, but reasonable interpretation of the recited limitations of the claims. In particular, applicant states that Ogasawara fails to disclose or suggest an intermediary receiving first order data from a mobile device, where the first order data identifies one or more products or services that a consumer/purchaser requests. Here, the Examiner would like to point out to applicant that within the disclosure of Ogasawara, Ogasawara exemplifies two different embodiments of a mobile device. The first embodiment pertains to wireless telephone that facilitates the electronic shopping system. The second embodiment relates to a wireless videophone, which is substituted for the wireless telephone and supports all of the same functions as described by the wireless telephone. In the previous Action the Examiner imparts that Ogasawara acknowledges that alternatively the server 26, separate from the wireless device and vendors/sellers, may send information to the purchaser/user's wireless device, which is interpreted by the Examiner as the first order data. Therefore, the server acts as an "intermediate component".

Art Unit: 3677

With that being said, the Examiner considers in the second embodiment of Ogasawara, the wireless videophone employs the server or intermediary **210** to send and receive product information to the purchaser/user's mobile device. Here, Ogasawara (col. 23, lines 4-10 and lines 23-30) explains a feature of the videophone, where the videophone transmits an image or pattern to the server or intermediary, which may not have identifiable product information or data desired by the purchaser/user. The product information (first order data) corresponding to the image or pattern is verified by an in store clerk, the clerk sends the verified data to and is received by the server/intermediary which transmits the verified data to the purchaser/user's wireless videophone. Thus, it appears that the server/intermediary **210** as presented in the second embodiment of Ogasawara supplies product data to a purchaser/user mobile device but may also receive product data from an in-store verification source to be transmitted to the purchaser/user as well.

Therefore, based on the above reasoning the Examiner believes Ogasawara meets applicant's amended claim limitations and addresses applicant's arguments presented on page 16 in the amendment in particular.

Accordingly claims 1-44 remain rejected as being unpatentable over Ogasawara and Ogasawara in view of Hall et al.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3677

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALJ

André L. Jackson  
Patent Examiner  
AU 3677

  
ROBERT J. SANDY  
PRIMARY EXAMINER